IN THE HIGH COURT OF BOMBAY AT GOA.

MISC. CIVIL APPLICATION NO.865 OF 2004

M/s Casa J.D. Fernandes
a registered company,
having their Divisional
Officer at Velho Building,
3rd Floor,
Panaji, Goa. ... Applicant.

V/s

1. The New India Assurance
Company Limited, a registered
partnership fir having its
registered office near
Municipal Garden,
Panaji, Goa.

2. Bank of India,
having their Branch
Office at Dempo House,
Campal, Panaji, Goa. ... Respondents.

Mr. J.P. Mulgaonkar, Advocate for the applicant.

Mr. E. Afonso, Advocate for the respondent No.1.

Mr. Uday Govind Galgali, Manager of Bank of India is present on behalf of respondent no.2.

CORAM: A.P. LAVANDE, J.

DATE: 6TH APRIL, 2005.

Oral Order.

Heard Mr. Mulgaonkar for the applicant and Mr. Afonso for respondent no.1. Mr. Uday Govind Galgali is present

on behalf of respondent no.2. The learned Counsel appearing for the parties submit that the respondent no.2/Bank of India is entitled to withdraw the amount of Rs.1,57,000/- deposited by the original appellant, alongwith interest due thereon. The learned Counsel also submitted that the respondent no.2 is also entitled to the amount of Rs.44,383/- in terms of Judgment dated 7.10.2004 passed by this Court in First Appeal No.9/1998.

2. Mr. Afonso states that the amount of Rs.44,383/- shall be paid to the respondent no.2/Bank of India within a period of one week from today by way of Demand Draft.

3. The amount of Rs.1,57,000/- alongwith accrued interest is directed to be paid to the respondent no.2/Bank of India.

4. Accordingly, I pass the following order.

i. The amount of Rs.1,57,000/- deposited by the respondent no.1 is ordered to be paid to respondent no.2/Bank of India, alongwith interest accrued thereon.

ii. The respondent no.1 herein shall pay Rs.44,383/- to the respondent no.2/Bank of India. The

payment shall be effected within a period of one week from today and the respondent no.1 shall file pursis alongwith the receipt from the Bank within a period from one week thereafter.

A.P. LAVANDE, J.

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